

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JAY C. BUTLER,**

**Defendant.**

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**Case No. 8:07CR98**

**ORDER**

This case is before the court on the defendant's Motion to Review Detention and Request for Evidentiary Hearing (#37). The defendant requests that the court reopen the matter of his detention and order a conditional release to NOVA Therapeutic Community, Omaha, Nebraska.

After reviewing the April 11, 2007 Pretrial Services initial appearance report and the April 23, 2007 Detention Order (#20), I find the motion should be denied without hearing.

The proposed placement of the defendant at NOVA Therapeutic Community fails to address the court's concerns that the defendant poses a risk of danger to the community based upon his felony robbery conviction in 2000, which resulted in a one to three year prison term; a failure to appear charge on January 13, 2005; and charges of false information on April 3, 2005 and September 14, 2006. Additionally, the defendant's proposed release plan fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

**IT IS ORDERED:** The defendant's Motion to Review Detention and Request for Evidentiary Hearing (#37) is denied without hearing.

Dated this 21<sup>st</sup> day of June 2007.

BY THE COURT:

S/ F. A. Gossett  
United States Magistrate Judge